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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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MIKE GLEASON, Chairman  
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GARY PIERCE

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION  
OF ICR WATER USERS ASSOCIATION,  
INC. FOR DETERMINATION OF THE  
CURRENT FAIR VALUE OF ITS UTILITY  
PLANT AND PROPERTY AND FOR  
INCREASES IN ITS RATES AND  
CHARGES FOR UTILITY SERVICES

DOCKET NO. W-02824A-07-0388

**ICR WATER USERS  
ASSOCIATION, INC.'S RESPONSE  
TO INTERVENOR DAYNE  
TAYLOR'S MOTION TO COMPEL**

ICR Water Users Association ("ICR") files its response to Intervenor Dayne Taylor's Motion to Compel ICR's response to his second set of data requests. Mr. Taylor's motion is premature and moot. It is premature because ICR's responses to Mr. Taylor's second set of data requests were due today, Monday, January 28, 2008. His motion is moot because ICR has provided Mr. Taylor with its data responses by today's deadline.

On January 21, 2008 (Martin Luther King Jr. Day, a State holiday), Mr. Taylor emailed his second set of data requests to ICR at 10:31 am. Several hours later, he amended his second set of data requests and emailed these to ICR at 8:26 pm. Because of the holiday, the offices of Snell & Wilmer and ICR were closed, and ICR did not receive Mr. Taylor's second set of data requests until the next day. In accordance with the January 8, 2008 Procedural Order in this matter, parties have five days to respond any data requests. Since the data responses were received Tuesday, January 22, 2008, the deadline was five days later or Sunday, January 27, 2008. As a matter of practice and in accordance with Commission's rules and procedure, if a due date falls on a weekend, the due date is extended to the following Monday. In accordance with this deadline, ICR was planning to submit (and has already submitted) its responses to Mr. Taylor's second set of data requests by today's deadline.

Arizona Corporation Commission

**DOCKETED**

JAN 28 2008

DOCKETED BY

NR

Snell & Wilmer

LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6000

1 Mr. Taylor has also violated the January 8, 2008 Procedural Order and the Arizona  
2 Rules of Civil Procedure by failing to "meet and confer" with ICR before filing a Motion to  
3 Compel. Without contacting ICR in any way to determine the status of its responses, Mr.  
4 Taylor emailed his motion to ICR on Saturday, January 26, 2008—two days before any  
5 response was due. Mr. Taylor's motion is frivolous, without basis, and is wasting the resources  
6 of this non-profit company by filing this motion. Whether Mr. Taylor chooses to hire a lawyer  
7 or not, he is still required to follow the Commission's rules and procedure as well as the Arizona  
8 Rules of Civil Procedure. Although ICR will not seek sanctions and the recovery of its legal  
9 fees to respond to the frivolous motion at this time, ICR will do so in the future if Mr. Taylor  
10 continues to file frivolous and baseless motions.

11 ICR has provided Mr. Taylor with professional courtesy during this proceeding. For  
12 example, ICR provided responses to his first set of data requests within three days, along with  
13 emailing him over 100 pages of documents so that he would not have to wait to receive these  
14 documents by mail. ICR is also emailing him additional documents that are responsive to his  
15 second set of data requests, so again, he does not have to wait to receive those documents by  
16 mail. ICR hopes Mr. Taylor will return the same professional courtesy to ICR.

17 For these reasons, ICR requests the Commission to deny and disregard Mr. Taylor's  
18 Motion to Compel.

19 RESPECTFULLY submitted this 28th day of January, 2008.

20 SNELL & WILMER

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23 Robert J. Metli  
24 Marcie A. Shuman  
25 One Arizona Center  
26 Phoenix, Arizona 85004-2202  
27 Attorneys for ICR Water Users Association, Inc.  
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1 ORIGINAL AND THIRTEEN (13) copies  
2 filed this 28th day of January, 2008, with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington  
6 Phoenix, Arizona 85007

7 COPY of the foregoing hand-delivered  
8 this 28th day of January, 2008, to:

9 Judge Marc E. Stern  
10 ARIZONA CORPORATION COMMISSION  
11 1200 West Washington  
12 Phoenix, Arizona 85007

13 COPY of the foregoing mailed  
14 this 28th day of January, 2008, to:

15 Mr. Dayne Taylor  
16 13868 North Grey Bears Trail  
17 Prescott, AZ 86305

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